

75-5220. Transfer of offender to reception and diagnostic unit, when; custody pending transfer; expenses paid by county; female offenders; transfer of court record; juvenile offenders; offenders designated to participate in substance abuse treatment programs; costs of medical care of certain offenders. (a) Except as provided in subsections (d), (e) and (f), within four business days of receipt of the notice provided for in K.S.A. 75-5218, and amendments thereto, the secretary of corrections shall notify the sheriff having such offender in custody to convey such offender immediately to the department of corrections reception and diagnostic unit or if space is not available at such facility, then to some other state correctional institution until space at the facility is available, except that, in the case of first offenders who are conveyed to a state correctional institution other than the reception and diagnostic unit, such offenders shall be segregated from the inmates of such correctional institution who are not being held in custody at such institution pending transfer to the reception and diagnostic unit when space is available therein. The expenses of any such conveyance shall be charged against and paid out of the general fund of the county whose sheriff conveys the offender to the institution as provided in this subsection.

(b) Any female offender sentenced according to the provisions of K.S.A. 75-5229, and amendments thereto, shall be conveyed by the sheriff having such offender in custody directly to a correctional institution designated by the secretary of corrections, subject to the provisions of K.S.A. 75-52,134, and amendments thereto. The expenses of such conveyance to the designated institution shall be charged against and paid out of the general fund of the county whose sheriff conveys such female offender to such institution.

(c) Each offender conveyed to a state correctional institution pursuant to this section shall be accompanied by the record of the offender's trial and conviction as prepared by the clerk of the district court in accordance with K.S.A. 75-5218, and amendments thereto.

(d) If the offender in the custody of the secretary is a juvenile, as described in K.S.A. 2014 Supp. 38-2366, and amendments thereto, such juvenile shall not be transferred to the department of corrections reception and diagnostic unit until such time as such juvenile is to be transferred from a juvenile correctional facility to a department of corrections institution or facility.

(e) Any offender sentenced to a facility designated by the secretary of corrections to participate in an intensive substance abuse treatment program shall not be transferred to the department of corrections reception and diagnostic unit but directly to such facility, unless otherwise directed by the secretary. The secretary may transfer the housing and confinement of any offender sentenced to a facility to participate in an intensive substance abuse treatment program to any institution or facility pursuant to K.S.A. 75-5206, and amendments thereto.

(f) If the offender has 20 or less days remaining to be served on the prison portion of the sentence at the time the notice provided for in K.S.A. 75-5218, and amendments thereto, is received by the secretary of corrections, the secretary may order the offender discharged from the prison portion of the sentence.

(g) All costs incurred for medical care and treatment of the offender while in the actual physical custody of the secretary of corrections shall be the responsibility of the secretary of corrections.

History: L. 1973, ch. 339, § 29; L. 1975, ch. 459, § 1; L. 1978, ch. 120, § 20; L. 1983, ch. 284, § 7; L. 1990, ch. 322, § 1; L. 1990, ch. 309, § 52; L. 1990, ch. 149, § 7; L. 1991, ch. 260, § 12; L. 1996, ch. 229, § 130; L. 2000, ch. 181, § 14; L. 2006, ch. 172, § 1; L. 2007, ch. 195, § 42; L. 2008, ch. 183, § 12; L. 2010, ch. 89, § 2; L. 2012, ch. 148, § 2; July 1.

Revisor's Note:

Section was amended twice in the 2006 session, see also 75-5220a.